



ORDINANCE 24-01

An Ordinance Amending Article I, § 440-9 Subsection E – Large Scale Solar Facility; Article XII, §440-127 – Permitted Uses, Subsection C; and Article XVI, §440-246.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HARRINGTON IN COUNCIL MET:

Section 1. That Article I, §440-9, Introductions and Definitions, Subsection E shall be amended by removing the following definition:

E. Unless otherwise stated, the following terms shall, for the purpose of this chapter, have the following meanings:

~~LARGE SCALE SOLAR FACILITY~~

~~An energy facility dedicated specifically to a solar facility use, which consists of one acre or more ground-mounted, freestanding solar collection devices engineered and designed to produce at least 200 kilowatts (kW) of electricity, solar energy related equipment, and other associated infrastructure, and which has the primary intention of generating solar electricity and otherwise converting solar energy to a different form of energy for sale to the grid as a primary commercial use.~~

Section 2. That Article XII, §440-127, Traditional Neighborhood Development Zone (TND) – Permitted Uses, be amended by removing Subsection C as follows:

§ 440-127. Permitted Uses.

~~C. Large-scale solar facilities shall be permitted as a conditional use. See Article XVI, Conditional Use Permits.~~

Section 3. That Article XVI, §440-246, Conditional Use Permits, shall be amended by removing §440-246 in its entirety as follows:

~~§440-246—Large Scale Solar Facilities~~

~~In addition to the conditional use requirements and standards set forth in § 440-241 through § 440-245, the following conditions shall apply to a large-scale solar facility use:~~

~~A. Height. Ground-mounted, freestanding solar collection devices shall not exceed 16 feet in height.~~

~~B. Lot coverage. Lot coverage of impervious surfaces shall not exceed 30% of the total lot area; however, only the base and/or foundation of ground-mounted, freestanding solar collection devices shall be counted toward the impervious surface cover calculation.~~

~~C. Setbacks. Setbacks shall be 30 feet from all property lines and edges of rights-of-way. Setbacks may be reduced to minimum setbacks in the base zoning district or any applicable overlay district, whichever is greater, with written consent from the affected adjacent property owner.~~

~~D. Buffering. Visual buffering of sufficient height and density to hide all development features from public streets and abutting properties is required, and shall meet the minimum requirements of Article XIII, General Regulations.~~

~~E. Abandonment. A large-scale solar facility that does not produce energy for a continuous period of one year or more shall be deemed abandoned. The applicant may request a good-cause exemption that may not be unreasonably withheld if all real estate and personal property taxes are in good standing. Any large-scale solar facility deemed abandoned without attaining a good-cause exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:~~

~~(1) Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.~~

~~(2) Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.~~

~~(3) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.~~

~~F. Decommissioning plan.~~

~~(1) A decommissioning plan outlining the anticipated means and costs of removing the large-scale solar facility must be submitted with the application.~~

~~(2) The decommissioning plan should ensure that the owner/operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, and the restoration of soil and vegetation and/or agriculture.~~

~~(3) The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.~~

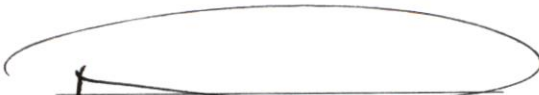
~~G. Financial assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of 125% of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar facility remains in place. The~~

~~financial assurance shall be reviewed and renewed every five years to ensure the amount reflects the current market.~~

Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Effective Date. The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law, and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.



Duane E. Bivans, Mayor

Attest: E. Werner
Emma Werner, Clerk of Council

Date of Adoption: March 4, 2024

SYNOPSIS

This ordinance amends Article I, § 440-9, Subsection E – Large Scale Solar Facility by removing the definition for Large-Scale Solar Facility; Article XII, §440-127 – Permitted Uses, by removing Subsection C, Large-Scale Solar Facility as a conditional use in the TND Zone; and Article XVI, §440-246 by removing §440-246.

First Reading: 2-13-2024

Public Hearing: 3-4-2024

Second Reading: 3-4-2024